



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Vale District Office
100 Oregon Street
Vale, Oregon 97918

IN REPLY REFER TO:

4190 (ORV000)

DEC 07 2012

NOTICE OF FIELD MANAGER'S FINAL DECISION DANNER LOOP 2 G67L

Dear Interested Public:

BACKGROUND

During the summer of 2012, several lightning caused fires were ignited in the Jordan Resource Area, Vale District Bureau of Land Management (BLM). The Danner Loop 2 Fire (#G67L) was ignited on August 28, 2012 and was contained on September 01, 2012 after burning 19,036 acres of public land administered by the Vale District BLM and 1,425 acres of private land approximately three miles northwest of Jordan Valley, Oregon. The Danner Loop 2 Fire burned within the Lava, Boulder, Downy Canyon, Downy Canyon FFR, Cowgill, Little Sandy East, Little Sandy West, Barlow Brush Control, Big Ridge Seeding North and Big Ridge Seeding South pastures of the East Cow Creek Allotment (#10903).

Within a week of the containment date of the fire, the Vale District assembled an interdisciplinary (ID) team composed of specialists and within 21 days of containment, this ID team developed an Emergency Stabilization and Burned Area Rehabilitation Plan (hereafter referred to as ES/BAR Plan) containing treatments necessary for the emergency stabilization and rehabilitation of the burned area.

The ES/BAR Plan was submitted for funding to the BLM's Washington Office (WO) through the Emergency Stabilization and Rehabilitation System (ESRS). The ES/BAR Plan was approved by the WO on September 28th, 2012. However, based on limited funds, no funding was granted at the time. Later, the Vale District was partially funded for the ES/BAR Plan to purchase seed. Native seed demand exceeded the native seed available through the Vale District native plant program, but where possible the ID team used locally adapted native seed. Additional seed was purchased through the Regional Seed Warehouse in Boise, Idaho. Due to limited funding and increased seed prices, the Vale District BLM has revised the Danner Loop 2 ES/BAR Plan.

This document will serve as the final emergency stabilization and burned area rehabilitation plan, hereafter referred to as the Revised Plan. The final decision or revised plan will supersede the treatments identified in the original ES/BAR Plan that was submitted through the ESRS. The Revised Plan is different from the ES/BAR Plan in that the treatments may include fewer acres.

In development of the ES/BAR plan and the Revised Plan, BLM consulted¹ with the livestock grazing permittees, Oregon Natural Desert Association, Oregon Department of Fish and Wildlife (ODFW), Oregon Cattleman's Association (OCA), Malheur County Court, and Western Watersheds Project (WWP). Based on BLM's field work, the consultation with agencies and interested entities, seed availability and cost, and funding limitations, the size and scope of some of the treatments have been adjusted from the ES/BAR Plan.

INTRODUCTION

The Danner Loop 2 Fire burned: 20,186 acres of greater sage-grouse Preliminary Priority Habitat (PPH) and 275 acres of greater sage-grouse Preliminary General Habitat (PGH). No other special management designations such as Wilderness Study Areas (WSA), Areas of Critical Environmental Concern (ACEC), Lands with Wilderness Character (LWC) or Wild and Scenic Rivers are present within the burned area. The chart below shows the amount in acres of the special designated areas that burned.

SPECIAL DESIGNATED AREA	ACRES BURNED
Greater Sage-grouse Preliminary Priority Habitat (PPH)	20,186
Greater Sage-grouse Preliminary General Habitat (PGH)	275

The Danner Loop 2 Fire burned 18,989 acres (45%) of the East Cow Creek Allotment (#10903). The chart below shows the amount in acres of the allotments that burned.

ALLOT NUM	ALLOTMENT NAME	ALLOT ACRES	ACRES BURNED	ALLOTMENT % BURNED
Cow Creek GMA				
10903	EAST COW CREEK	42,146	18,989	45

COMPLIANCE

The Revised Plan was prepared under the guidance of and is consistent with the Burned Area Emergency Stabilization and Rehabilitation Handbook H-1742-1. The treatments in the Revised Plan are the same as the proposed actions described in the Vale District Normal Fire Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) # OR-030-05-005. The NFESRP EA was completed in 2005. The NFESRP EA analyzed the potential impacts to implementing the proposed action and alternatives and determined there would not be a significant impact to the human environment and prepared a Finding of No Significant Impacts (FONSI) Decision Record.

Because the treatments analyzed in the NFESRP EA are the same as the Revised Plan, BLM compared the Revised Plan with the analysis found in the NFESRP EA and determined that the analysis was sufficient and new NEPA analysis was not necessary. BLM documented this review and prepared a Determination of NEPA Adequacy (DNA) # DOI-BLM- V060-2012-042 prior to the

¹ The ES/BAR Plan was also discussed at community meetings held at Jordan Valley and Rome, Oregon and McDermitt, Nevada where opportunities to comment were provided.

approval of the Revised Plan and the issuance of this decision. The NFESRP EA and FONSI and the DNA documents can be viewed at: <http://www.blm.gov/or/districts/vale/plans/index.php>. If you wish to receive hard copies of these documents, they are available upon request at the Vale District Office, (541) 473-3144.

The treatments described in the Revised Plan, as analyzed in the Vale District NFESRP EA, is consistent with the Southeast Oregon Resource Management Plan/Environmental Impact Statement and Record of Decision, Sept. 2002. The Revised Plan's treatments have been designed to conform to the following documents which direct and provide the framework for management of BLM lands within Vale District:

- Taylor Grazing Act (43 U.S.C. 315), 1934
- The National Environmental Policy Act (42 U.S.C. 4320-4347), 1970
- Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) # OR-030-05-005.
- Federal Land Policy and Management Act (43 U.S.C. 1901), 1978
- August 12, 1997 Standards for Rangeland Health and Guidelines for Livestock Management for Public Lands, Administered by the BLM in the States of Oregon and Washington
- 2007 Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States ROD
- 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon ROD
- Greater Sage-grouse and Sagebrush-steppe Ecosystems Management Guidelines (BLM-2000)
- National Historic Preservation Act (16 U.S.C. 470)
- Programmatic Agreement Among USDI BLM, the Advisory Council on Historic Preservation and the Oregon State Historic Preservation Officer Regarding the Identification, Evaluation, and Treatment of Historic Properties Managed by the BLM, Oregon State Office, Throughout the State of Oregon
- Executive Order 12372, Intergovernmental Review
- Executive Order 13112, Invasive Species
- BLM National Sage-grouse Habitat Conservation Strategy (2004)
- Instruction Memorandum WO-2012-043, Greater Sage-grouse Interim Management Policies and Procedures issued December 22, 2011
- A Report on National Greater Sage-grouse Conservation Measures, Produced by: Sage-grouse National Technical Team, December 21, 2011
- Greater Sage-Grouse Conservation Assessment and Strategy for Oregon: A plan to Maintain and Enhance Populations and Habitat; ODF&W 4/22/2011
- Southeastern Oregon Resource Management Plan and Record of Decision (2002)
- State, local, and Tribal laws, regulations, and land use plans
- SEORMP Settlement Agreement (Case 05-35931, June 10, 2010) between Vale District BLM and Oregon Natural Desert Association (ONDA) resulting from Ninth Circuit Court of Appeals decision (*ONDA v. BLM*, 625 F.3d 1092 (9th Cir. 2010)).\
- Vale District Integrated Weed Control Plan EA (1989), the Northwest Area Noxious Weed Control Program EIS 1984, and Supplement, 1987

FINAL DECISION

I have determined that the vegetation, soil and other resources on the public lands are at immediate risk of erosion and other damage due to the 2012 Danner Loop 2 Fire.

DNA # DOI-BLM- V060-2012-042 addressed the treatments identified in the ES/BAR Plan and I have determined that it was consistent with the analysis in the NFESRP EA and FONSI. The treatments listed as the Revised Plan (below) are less than the treatments proposed in the ES/BAR Plan and I have determined that the DNA is sufficient.

I have determined that implementing the Revised Plan's treatments as analyzed in the NFESRP EA did not require the preparation of an environmental impact statement, as set out in the FONSI.

I have determined that implementation of the treatments described in the Revised Plan does not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement is not necessary and will not be prepared.

Based on analysis, comments from the public and input from my staff, it is my final decision to implement the treatments as listed in the Revised Plan below.

Due to the Danner Loop 2 Fire the burned area is at immediate risk of erosion and conversion to a site dominated by annual invasive grass species, if not treated before spring 2013.² This would result in a loss of preliminary priority habitat (PPH) for greater sage-grouse as well as other sagebrush obligate species.

This wildfire management decision is issued under 43 Code of Federal Regulations (CFR) 4190.1(a) and is effective immediately. The BLM has made the determination that vegetation, soil, or other resources on the public lands are at immediate risk of erosion or other damage due to wildfire. Thus, notwithstanding the provisions of 43 CFR 4.21 (a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. Appeal of this decision may be made to the Interior Board of Land Appeals in accordance with 43 CFR 4.410. The Interior Board of Land Appeals must decide an appeal of this decision within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed as contained in 43 CFR 4.416.

This decision is effective immediately due to the immediate risk of erosion and damage due to wildfire, and is issued under 43 Code of Federal Regulations (CFR) § 4190.1(a), which states:

Notwithstanding the provisions of 43 CFR 4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision.

² Rangelands converted to invasive annual grasses are more prone to wildfire and often resulting in larger and more frequently occurring wildfires. Wildfires (even low intensity ones) readily kill sagebrush which is an important forage and cover component for sagebrush obligate wildlife species, particularly the Greater Sage-Grouse. Rangelands converted to invasive annual grasses also have lower species diversity both plant and animal. Lower plant species diversity results in higher probability of soil erosion and a higher susceptibility to invasion of noxious weeds.

REVISED PLAN TREATMENTS

Below is a table of the projects needed to stabilize and rehabilitate lands affected by the 2012 Danner Loop 2 Fire. Maps of the treatment locations are also attached.

Treatments	Amount	Implementation year³
Ground or drill seeding with rangeland drills	3,000 acres	Beginning in 2012
Plant sagebrush and/or antelope bitterbrush seedlings	1,030 acres	Beginning in 2013
Noxious weed inventory	19,036 acres	Beginning in 2013
Noxious weed treatment	1,600 acres	Beginning in 2013
Temporary Protective Fence Construction	9 miles	Beginning in 2012
Repair fences	20 miles	Beginning in 2012

RATIONALE

Ground seeding

BLM evaluated the entire burned area to determine the suitability for seeding. The suitability evaluation was a compilation of field going personnel knowledge of the pre-burn condition and data that had been collected in preparation of an Order 3 Soil Survey and Ecological Site Inventory. Suitability for seeding was based on risk of conversion to a site dominated by cheatgrass or medusahead rye, and the likelihood of seeding success. Soil types along with annual rainfall were also used to determine the appropriate use and probability of the seeded species establishment. Two grass seed mixes, a native and a non-native/native mix, were designed based on pre-burn composition. All of the areas selected for treatment were determined to be suitable for seeding based on the high probability of conversion, should no treatment occur, and also had a high probability of seeding success or establishment based on similar projects in the treatment area. The seeding would be done in those areas that, prior to the fire, were dominated by sagebrush and antelope bitterbrush. This data was primarily collected in 2007 and was used to determine pre-burn ecological condition and vegetative composition. Areas which were in late-potential natural communities (PNC's) ecological status were not considered for ground seeding, because they were determined to be at a lower risk for conversion to a system dominated by annual invasive grasses. Vegetation communities in late-PNC seral stage express a mosaic of species composition and structure consistent with site potential and should meet the objectives of the land use plan (SEORMP).

At the formation of the ES/BAR Plan, the ID team had chosen a wide range of multiple grass species and cultivated varieties of those species in hopes of increasing the odds of at least one or more varieties successfully establishing. However, at the BLM's consolidated seed buy the cost of the seed on average was three times higher than they were earlier in the year due to the increased demand for seed. This increase in price in addition to the ID team prioritization of native seed reduced the amount of seed BLM was able to purchase with the funding available. Also, due to the number of wildfires in the western U.S. the demand for seed far exceeded the supply on the open

³ The year in which these treatments will be implemented is subject to funding availability.

market. Where possible the ID team used locally adapted native seed. However, the native seed demand exceeded the native seed available through the Vale District native plant program.

As a result BLM was able to purchase enough native and non-native grass seed needed to create two seed mixes⁴ to treat approximately 3,100 acres of the original 3,700 acres recommended suitable for seeding at approximately 8 bulk lbs/ac. 2,300 acres will be seeded using a native seed mix and 800 acres will be seeded using a mix of non-native/native grasses. Approximately 2,900 acres will be seeded using rangeland drills and 200 acres will be seeded using an atv and/or utv seeder. The seeding will occur consistent with the original ES/BAR Plan with the exception that only 300 lbs of basin big sagebrush seed was purchased due to limited funding. This seed will be applied using a rangeland drill that is trailed by a cultipacker in order to compress the sagebrush seed into the soil surface.

While deciding on where to plant the non-native grasses, close consideration was given to the National Technical Team (NTT) recommendations listed in “A Report on National Sage-grouse Conservation Measures”. The NTT recommended prioritizing native seed allocation for use in sage-grouse habitat in years when preferred native seed is in short supply. This may require reallocation of native seed from ES/BAR projects outside of priority sage-grouse habitat to those inside it. Use of native plant seeds for ES/BAR seeding is required based on availability, adaptation (site potential), and probability of success. Where probability of success or native seed availability is low, non-native seeds may be used as long as they meet sage-grouse habitat conservation objectives (page 28). Non-native seed will be used in areas that receive less precipitation and will not be seeded with locally adapted seed obtained through the Vale District native plant program. Locally adapted seed was only included in the native seed mix to be used in areas which were native pastures pre-burn. The seed mix which includes the non-native seed will be used in areas which were existing seedings prior to the Danner Loop 2 Fire.

Close consideration was also given to BLM national policy memo WO IM 12-043 which states that, “When necessary, analyze the use of non-native species that do not impede long-term reestablishment goals of native plant communities and Greater Sage-Grouse habitat. BLM knows that post burn recovery, in low and mid-seral condition Wyoming sage-brush sites, quickly becomes dominated by non-native invasive annual grasses such as cheatgrass. Cheatgrass dominated rangelands do not allow for native plant communities nor do they meet the Greater Sage-Grouse habitat needs. BLM is also aware that non-native perennial bunchgrass such as the various species of wheatgrasses to be in the Revised Plan compete well against cheatgrass, offer the rangelands a surrogate for the native deep rooted perennial grasses and when planted with sagebrush, does serve as habitat for the Greater Sage-Grouse. Introduced grasses with a shrub component (crested wheatgrass and shrubs) is considered preferable than taking no rehabilitation action at all (SEORMP page F-10).

⁴ The native seed mix is *Pseudoroegneria spicata* ssp. *spicata* or Bluebunch wheatgrass (var. Anatone) 5.34 bulk lbs/ac, *Festuca idahoensis* or Idaho fescue 1.43 bulk lbs/ac, *Elymus elymoides* or bottlebrush squirreltail (Vale District native seed) 1.30 bulk lbs/ac, and *Poa secunda* or Sandbergs bluegrass (Vale District native seed) 0.27 bulk lbs/ac, or a total of 8.4 bulk lbs/ac. The non-native/native seed mix is *Agropyron desertorum* or Hycrest wheatgrass 2.37 bulk lbs/ac, *Pseudoroegneria spicata* ssp. *spicata* or Bluebunch wheatgrass (var. Anatone) 4.63 bulk lbs/ac and *Festuca idahoensis* or Idaho fescue 1.43 bulk lbs/ac or a total of 8.4 bulk lbs/ac.

Close consideration was given to ODFW's 2011 Greater Sage-Grouse Conservation Assessment and Strategy for Oregon: A plan to Maintain and Enhance Populations and Habitat, which states if native plant and sagebrush seed is unavailable crested wheatgrass can be planted in lieu of native species or as a mixture with native species, because it is readily available, and successfully competes with cheatgrass, and establishes itself more readily than natives (page 101).

Planting sagebrush and/or antelope bitterbrush seedlings

Of the 19,036 acres of public land administered by the Vale District BLM and 1,425 acres of private land that burned in the Danner Loop 2 Fire, 20,186 acres has been designated as sage-grouse Preliminary Priority Habitat (PPH) and an additional 275 acres has been designated as sage-grouse Preliminary General Habitat (PGH).

The Danner Loop 2 Fire burned at a high fire severity throughout the burn area and very few sagebrush islands remained within the fire perimeter. Natural reestablishment of sagebrush and antelope bitterbrush is not anticipated. This portion of the sagebrush steppe provided important wildlife habitat for sagebrush obligate species, including greater sage-grouse and mule deer. The BLM plans to treat 1,030 acres by planting seedlings to enhance the wildlife habitat.

Management of the big sagebrush cover in seedlings and on native rangelands to meet the life history requirements of sagebrush-dependent wildlife is consistent with and described on page 40 of the SEORMP. Managing shrub overstory for multiple-use has significant benefits for wildlife. The character of the upland vegetation influences wildlife habitat quality and productivity. This treatment is further provided for on page 50 under the wildlife and wildlife habitat objectives.

WO IM 12-043 instructs BLM to prioritize re-vegetation projects in ES&R plans to: (1) maintain and enhance unburned intact sagebrush habitat when at risk from adjacent threats; (2) stabilize soils; (3) reestablish hydrologic function; (4) maintain and enhance biological integrity; (5) promote plant resiliency; (6) limit expansion of dominance of invasive species; and (7) reestablish native species. Hand planting is discussed under the proposed action section and is adequately analyzed in NRESRP EA where on page 8 under the section Seedbed Preparation and Seeding it states, "Hand planting riparian and upland tree and shrub seedlings would be used when it is desirable to establish specific species quickly.

The SEORMP rangeland vegetation decision objective is to: Restore, protect, and enhance the diversity and distribution of desirable vegetation communities including perennial native and desirable introduced plant species and provide for their continued existence and normal function in nutrient, water, and energy cycles (page 38 & 39). Management actions authorized or implemented by BLM will influence future vegetation composition. These actions may include...emergency fire rehabilitation.

Survey and treat noxious weeds

The areas disturbed by fire suppression activities as well as the burned area will be surveyed for Oregon Department of Agriculture Class A and B listed weeds and Malheur County Class A listed weeds. Known populations of noxious weeds within the burned area include globe-podded whitetop (*Lepidium appelianum*) and scotch thistle (*Onopordum acanthium*) located near Fell

Springs. These populations will be treated in the first year following the fire. If additional populations of noxious weeds are discovered, they will be treated in accordance with national and district guidelines for noxious weed treatment. Noxious weed treatments will also be consistent with the guidelines set forth in the ESR handbook (1742-1, pgs. 34-35) using approved chemicals appropriate for the target species.

These populations will be visited and treated as needed because, in the absence of competition, the burn area would be extremely vulnerable to expansion of invasion by any of these highly competitive noxious and /or invasive species. Weed control within the burn area will help prevent invasive/noxious species from dominating the site and causing the loss of soil, habitat and forage.

Repairing livestock management fence

Approximately 20 miles of livestock management fences were damaged by the fire. Most of these fences were constructed of steel posts and barbed wire that were not damaged by the fire. However, many of the corners, stretch panels and gate posts were constructed of wood. Many of these wooden posts burned in the fire and will be replaced. Instead of using wood, they will be replaced with steel posts or something similar such as angle iron or rock cribs.

The repair of livestock management fences is a proposed action (page 12) and adequately analyzed in NFESRP EA. The Proposed Action, Repair/Replace Minor Facilities Essential to Public Health and Safety section, states that repair or replacement of minor facilities such as structural damage to recreational facilities, fences, gates, watering troughs, wildlife guzzlers and livestock handling facilities that were damaged by fire may be repaired under rehabilitation. On page 11 of the NFESRP EA under the Proposed Action, Protective Fence section, it states that the success of natural recovery or re-vegetation often depends on exclusion of grazing. Also, gates, cattleguards, fences and other control features would be repaired and /or constructed as needed to protect treatments during the recovery period. Management fences in good working order are necessary to keep livestock from entering the burn area.

The SEORMP Rangeland/Grazing Use objective is to: Provide for a sustained level of livestock grazing consistent with other resource objectives and public land use allocations. Management actions listed to meet this objective include maintaining existing structural rangeland projects where beneficial to livestock and other resource values (page 59).

Based on recommendations from ODFW, the NTT report and WO IM 12-043, in addition to marking new temporary protective fences that are identified as collision risk fences, BLM will also mark the existing fences that are within the burned area and within 1.25 miles of a lek that has been active the last five years, which are determined to be a collision risk in coordination with ODFW. This will be done in conjunction with repairing the existing 20 miles of livestock management fences.

Closing the burned area to livestock

A separate grazing decision or rangeland agreement⁵ will be issued to address the exclusion of livestock as a result of the Danner Loop 2 Fire.

⁵ Consistent with 43 CFR §4110.3-2 and §§ 4110.3-3

Temporary Protective Fences

The Danner Loop 2 Fire burned within an area that is currently occupied by greater sage-grouse and has been identified as preliminary priority habitat (PPH) and preliminary general habitat (PGH). Four leks are located within the burned area and an additional eleven leks are within three miles of the fire perimeter. All the temporary fences are being built to improve land health, promote successful reclamation, provide resource protection and allow the unburned portion of the pasture to be grazed. WO IM 2012-043 instructs BLM to evaluate the need for proposed fences, especially those within 1.25 miles of leks that have been active within the past five years and in movement corridors between leks and roost locations and to consider deferring fence construction unless the objective is to benefit greater sage-grouse habitat, improve land health, promote successful reclamation or provide resource protection. WO IM 12-043 also instructs BLM to coordinate with ODFW to minimize or eliminate potential impacts to greater sage-grouse. All the temporary fences have been discussed with ODFW and the actions necessary to eliminate or reduce hazards to greater sage-grouse will be taken including constructing the fences greater than 1.25 miles from a lek and if that is not practical then marking fences determined to be a collision risk.

All the fences will be removed within three years unless it is determined that additional protection from livestock grazing is needed beyond that timeframe. The unburned portion of pastures that the fences will allow grazing to occur within, will be grazed lightly to moderately to promote the growth and persistence of native shrubs, grasses, and forbs to meet both livestock management and greater sage-grouse objectives. This is consistent with WO IM 12-043 which states this requirement on page 4 and 5 under the Grazing Permit/Leases Issuance/Grazing management section.

The construction of temporary fence is discussed under the proposed action and is adequately analyzed in NFESRP EA. It states that the success of natural recovery or re-vegetation often depends on exclusion of grazing. Also, gates, cattleguards, fences and other control features would be repaired and/or constructed as needed to protect treatments during the recovery period.

The SEORMP Rangeland/Grazing Use objective is to: Provide for a sustained level of livestock grazing consistent with other resource objectives and public land use allocations. Management actions listed to meet this objective include using a combination of administrative solutions and rangeland project development as necessary on a site-specific basis to provide a sustained level of livestock use while maintaining resource values (page 59).

Temporary fences will allow some grazing to occur as stated above. This will help alleviate at least some of the hardship being placed on the permit holders.

West Little Sandy Temporary Protective Fence

Construction of two miles of three strand temporary protective fence across the West Little Sandy Pasture of the East Cow Creek Allotment (#10903) will allow for continued grazing use by the grazing permit holder. If 2 miles of temporary fence is not constructed it will be necessary to close the entire West Little Sandy Pasture. The temporary fence location is practical, readily accessible and designed to enclose the burned area with the least amount of fence possible, the route is adjacent to an existing road so there is good access for construction. However, the fence is located within 1.25 miles of an active greater sage-grouse lek and therefore reflective devices will be hung from the fence to reduce the likelihood of being a greater sage-grouse collision risk. This is in

accordance with Instruction Memorandum WO-2012-043, Greater Sage-grouse Interim Management Policies and Procedures issued December 22, 2011. Building the fence in this location reduces the amount of fence necessary and reduces cost and other negative factors associated with fence construction. The fence location has been coordinated with ODFW to minimize or eliminate potential impacts to greater sage-grouse. This is consistent with WO IM 12-043.

Boulder Temporary Protective Fence

Construction of three miles of three strand temporary protective fence across the Boulder Pasture of the East Cow Creek Allotment (#10903) will allow for continued grazing use by the grazing permit holder. If 3 miles of temporary fence is not constructed it will be necessary to close the entire Boulder Pasture. The temporary fence location is practical, readily accessible and designed to enclose the burned area with the least amount of fence possible, the route is adjacent to an existing road so there is good access for construction. However, the fence is located within 1.25 miles of an active greater sage-grouse lek and therefore reflective devices will be hung from the fence to reduce the likelihood of being a greater sage-grouse collision risk. This is in accordance with Instruction Memorandum WO-2012-043, Greater Sage-grouse Interim Management Policies and Procedures issued December 22, 2011. Building the fence in this location reduces the amount of fence necessary and reduces cost and other negative factors associated with fence construction. The fence location has been coordinated with ODFW to minimize or eliminate potential impacts to greater sage-grouse. This is consistent with WO IM 12-043.

Lava Temporary Protective Fence

Construction of four miles of three strand temporary protective fence across the Lava Pasture of the East Cow Creek Allotment (#10903) will allow for continued grazing use by the grazing permit holder. In order not to impede traffic along the Lower Cow Lakes Road a cattleguard will need to be installed and removed when the temporary fence is no longer deemed necessary to exclude livestock. If four miles of temporary fence is not constructed it will be necessary to close the entire Lava Pasture. The temporary fence location is practical, readily accessible and designed to enclose the burned area with the least amount of fence possible, the upper portion of the route is adjacent to an existing road so there is good access for construction. However, the fence is primarily located within 1.25 miles of an active greater sage-grouse lek and therefore reflective devices will be hung from the fence to reduce the likelihood of being a greater sage-grouse collision risk. This is in accordance with Instruction Memorandum WO-2012-043, Greater Sage-grouse Interim Management Policies and Procedures issued December 22, 2011. Building the fence in this location reduces the amount of fence necessary and reduces cost and other negative factors associated with fence construction. The fence location has been coordinated with ODFW to minimize or eliminate potential impacts to greater sage-grouse. This is consistent with WO IM 12-043.

RIGHT OF APPEAL

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice must be filed in the Vale District Office, 100 Oregon Street, Vale, Oregon 97918 within 30 days of receipt. The appellant has the burden of showing that the decision appealed is in error. A notice of appeal electronically transmitted (e.g. email, facsimile, or social media) will not be accepted as an appeal. A notice of appeal must be on paper.

Filing an appeal does not by itself stay the effectiveness of a final BLM decision. If you wish to file a petition for a stay of the effectiveness of this decision, pursuant to 43 CFR 4.21, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below.

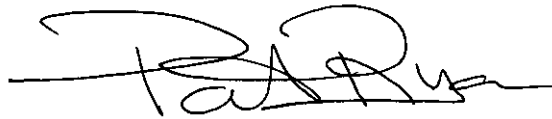
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

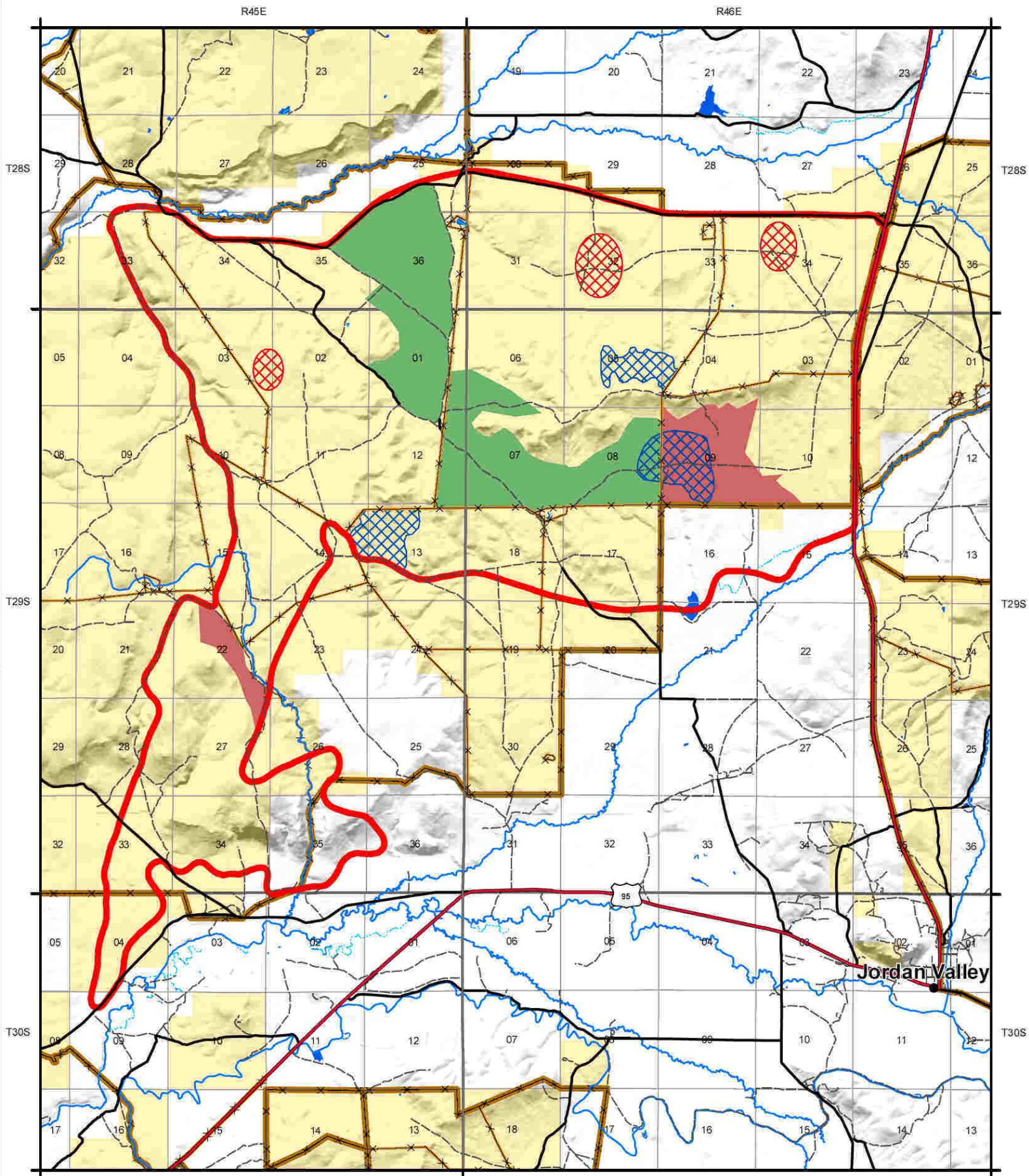
1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

Finally, copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision, to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.




Sincerely,

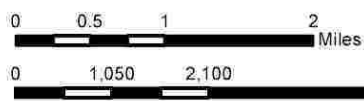
A handwritten signature in black ink, appearing to read 'Pat Ryan', with a long horizontal line extending to the left.

Pat Ryan
Field Manager
Jordan/Malheur Resource Areas



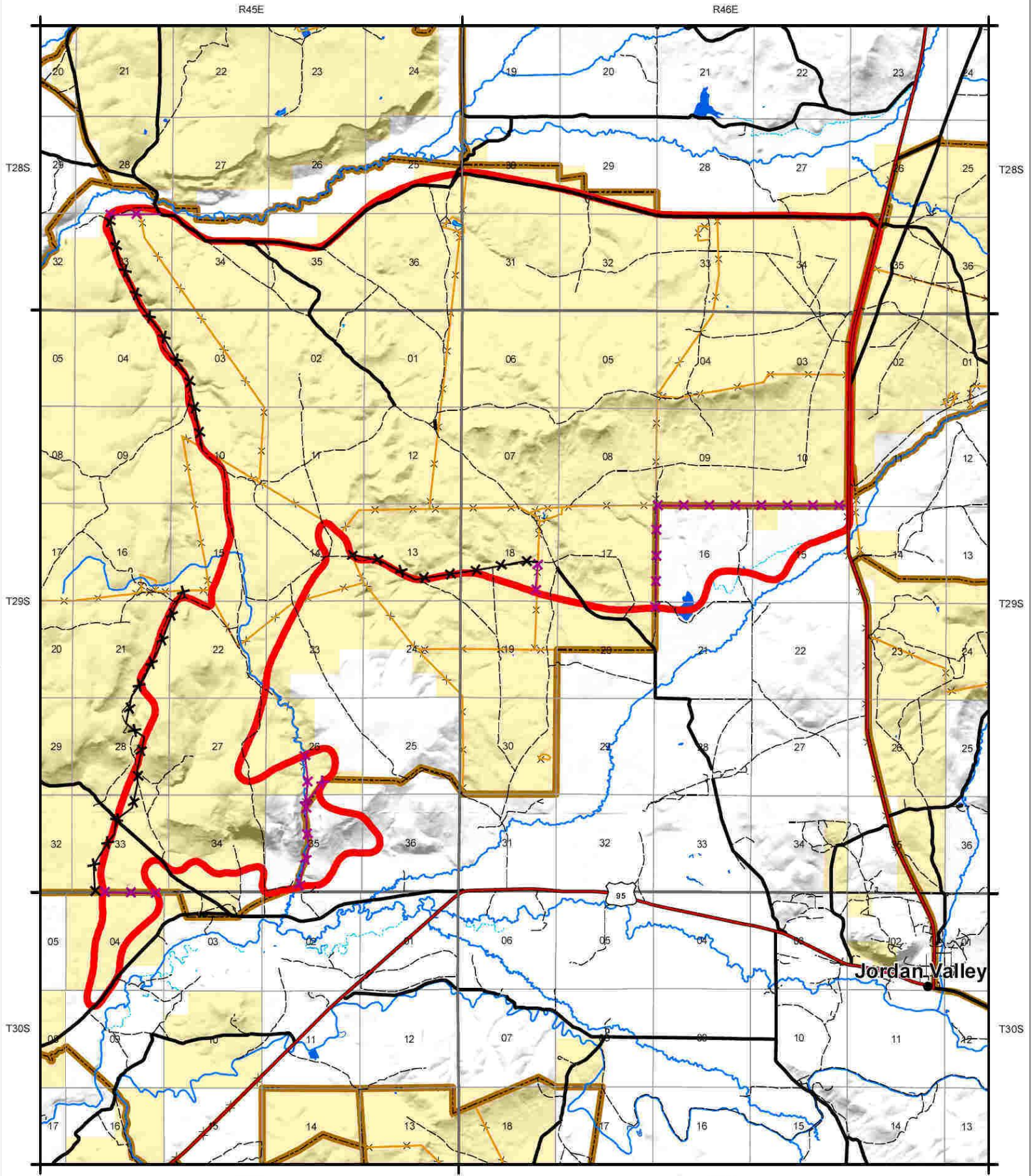
Legend

- | | |
|--|---|
|  Danner Loop 2 Fire Perimeter |  Native Grass Mix |
|  Highway 95 |  Native/Non-Native Grass Mix |
|  County Rd |  Sagebrush Seedlings |
|  Primary Roads |  Bitterbrush Seedlings |
|  Railroad |  Water Bodies |
|  Pasture |  Bureau of Land Management |
| |  Private |



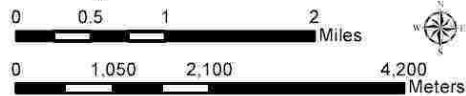
November 24, 2012
 No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data of individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

Danner Loop 2 Fire ES/BAR Plan Planned Seeding and Seedling Treatments Map 1

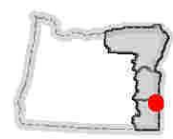


Legend

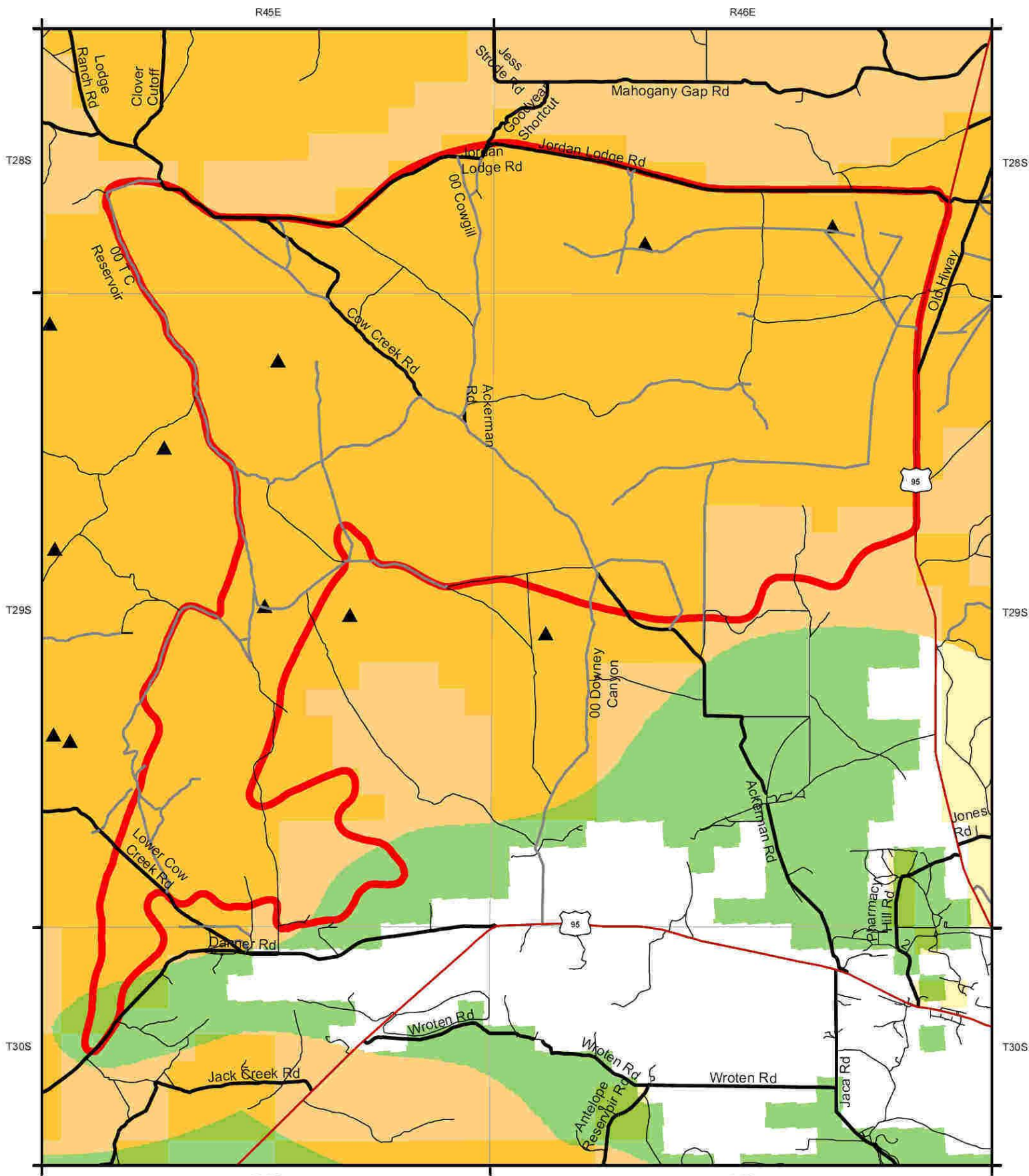
-  Danner Loop 2 Fire Perimeter
-  Proposed Temp. Fence
-  Protective Fence Repair
-  Highway 95
-  County Rte
-  Primary Routes
-  Creeks
-  Canal/Ditch
-  WaterBodies
-  Bureau of Land Management
-  Private



**Danner Loop 2 Fire ES/BAR Plan
Repair/Temporary Protective Fence
Map 2**



U.S. Department of Interior
Bureau of Land Management
November 24, 2012
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data or individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.



- Danner Loop 2 Perimeter
- ▲ Sage Grouse Leks
- Preliminary General Habitat
- Preliminary Priority Habitat

Danner Loop 2 Fire ES/BAR Plan **Greater Sage Grouse** **Map 3**